

AMENDED
APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER
OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE STATE OF
NEVADA HERETOFORE APPROPRIATED

Date of filing in State Engineer's Office DEC 13 2001

Returned to applicant for correction JAN 08 2002

Corrected application filed JAN 11 2002

Map filed JAN 11 2002

The applicant **The Ermon Wilson Smith & Mary Lee Smith Family Trust** dated **November 26, 1990** hereby makes application for permission to change the **Point of Diversion, Place and Manner of Use of a portion** of water heretofore appropriated under **Permit No. 13879 (Certificate No. 5074)**

1. The source of water is **Underground**
2. The amount of water to be changed **0.837 cfs – 354.98 acre feet per annum**
3. The water to be used for **Irrigation Purposes**
4. The water heretofore permitted for **Irrigation Purposes**
5. The water is to be diverted at the following point **SW¼ SW¼ Section 11 T12N, R25E, MDM** or at a point from which the SW corner of said Section 11 bears S 87 degrees 27 minutes 11 seconds W, a distance of 760.05 feet. This is the same point of diversion approved under **Permit No. 65384**
6. The existing permitted point of diversion is located within **SW¼ SE¼ Section 35 T12N, R25E, MDM** or at a point from which the SW corner of Section 34 T12N, R25E, MDM bears S 89 degrees 44 minutes 30 seconds W, a distance of 9,236.5 feet. Refer to map filed under **Permit No. 13879 (5074)** for existing p.o.d.
7. Proposed place of use **SE¼ Section 10, W½ SW¼ Section 11 and W½ NE¼ Section 15 T12N, R25E, MDM.**
8. Existing place of use **40.0 acres NE¼ SE¼; 40.0 acres SE¼ SE¼; 6.39 acres NW¼ SE¼ and 33.61 acres SW¼ SE¼ Section 26 T12N, R25E, MDM totalling 120.00 acres**
9. Use will be from **January 1 to December 31** of each year.
10. Use was permitted from **April 1 to November 1** of each year.
11. Description of proposed works **Drilled and cased well, equipped with motor, pump and to place of use**
12. Estimated cost of works **None – Existing under Permit No. 65384**
13. Estimated time required to construct works **None – Existing under Permit No. 65384**
14. Estimated time required to complete the application of water to beneficial use **See Remarks**
15. Remarks: **The groundwater under this application is supplemental to Walker River decreed rights. The amount of time required to place this volume of water to beneficial use is**

dependent on the need to supplement decreed water rights from the Walker River. The Michael Faretto Family 1996 Trust have signed a purchase agreement for this volume of water. The above permittee will convey this volume of water upon approval of this application.

By s/Michael D. Buschelman
Michael D. Buschelman
Post Office Box 51371
Sparks, Nevada 89435

Compared cmf/gkl dl/cmf

Protested _____

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit to change the point of diversion, place of use and manner of use of a portion of the waters of an underground source as heretofore granted under Permit 13879, Certificate 5074 is issued subject to the terms and conditions imposed in said Permit 13879, Certificate 5074 and with the understanding that no other rights on the source will be affected by the change proposed herein. The well shall be equipped with a 2-inch opening and a totalizing meter must be installed and maintained in the discharge pipeline near the point of diversion and accurate measurements must be kept of water placed to beneficial use. The totalizing meter must be installed before any use of the water begins or before the proof of completion of work is filed. If the well is flowing, a valve must be installed and maintained to prevent waste. This source is located within an area designated by the State Engineer pursuant to NRS 534.030. The State retains the right to regulate the use of the water herein granted at any and all times.

This permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

The total combined duty of water under Permits 65384, 67210, 67599, 68312 and any water of the Walker River Decree and any storage water appurtenant to the place of use shall not exceed 701.06 acre-feet per year for the irrigation of 206.52 acres. The permit holder is responsible for insuring delivery of the entitled decreed and storage waters that are supplemental to these permits. In any year the Walker River Irrigation District declares a full allocation of decreed water to the priority years of C-125 decree claims supplemental to these permits, underground water shall not be pumped from the wells described in these permits. In any year the Walker River Irrigation District has no decreed or storage water, or declares a reduced allocation of surface waters to the priority years of C-125 decree claims supplemental to these permits, then water can be pumped from wells for irrigation of the permitted places of use.

(CONTINUED ON PAGE 3)

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 0.837 cubic feet per second, but not to exceed 354.98 acre-feet annually and not to exceed a yearly duty of 3.39 acre-feet per acre of land irrigated from any and/or all sources.

Work must be prosecuted with reasonable diligence and be completed on or before:

N/A

Proof of completion of work shall be filed before:

N/A

Water must be placed to beneficial use on or before:

February 1, 2005

Proof of the application of water to beneficial use shall be filed on or before:

March 1, 2005

Map in support of proof of beneficial use shall be filed on or before:

March 1, 2005

IN TESTIMONY WHEREOF, I, HUGH RICCI, P.E.,

State Engineer of Nevada, have hereunto set

my hand and the seal of my office,

this 2nd day of August, A.D. 2002



State Engineer

by Christine Thiel, P. E., Deputy State Engineer

Completion of work filed February 11, 2002 under 67559

Proof of beneficial use filed _____

Cultural map filed _____

Certificate No. _____ Issued _____